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FILED

2007 AUG 28 P 2:21

5 Attorneys for Defendant
6 INDUSTRIAL LUMBER AND PLYWOOD, INC.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

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8 CLPS

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 MARY HENDRICKSON,

No. C 07 02942 -RS

12 Plaintiff,

DECLARATION OF KEVIN HAIRE IN
SUPPORT OF MOTION TO DISMISS FOR A
LACK OF PERSONAL JURISDICTION

13 v.

14 INDUSTRIAL LUMBER AND PLYWOOD
15 CORPORATION,

Date: October 10, 2007

Time: 9:30 a.m.

Dept.: 4

16 Defendant.

BY FAX

17 I, Kevin Haire, hereby declare as follows:

18 1. I am the President of defendant Industrial Lumber and Plywood, Inc., and have
19 personal knowledge of all matters stated herein.

20 2. Defendant Industrial Lumber and Plywood, Inc. is a corporation with its principal
21 place of business in Minnesota and is engaged in the business of selling lumber and plywood.

22 3. Defendant is not incorporated in California; nor has it qualified to do business in
23 California. Defendant has no subsidiaries incorporated in California nor qualified to do business in
24 California.

25 4. None of defendant's officers or directors reside or are domiciled in California.

26 5. Defendant has no employees residing or domiciled in California; nor has it contracted
27 with persons residing in California to act on its behalf with respect to marketing, distributing, or
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Declaration of Kevin Haire in Support
of Motion to Dismiss

1 servicing any of defendant's goods or products.

2 6. Defendant has no branch office or comparable facilities in California, and has no
3 telephone listings or mailing addresses in California.

4 7. Defendant has no bank accounts or other tangible personal or real property in
5 California.

6 8. Defendant does not direct any of its advertising specifically toward California
7 residents, nor does it advertise in any publications that are directed primarily toward California
8 residents.

9 9. No meeting of defendant's board of directors or shareholders has been held in
10 California; and none of its officers or directors have attended company conferences or similar
11 functions within the state.

12 10. The acts or omissions for which defendant is sought to be held liable in this
13 action, as described in paragraph 4 of the Complaint, occurred outside of California.

14 11. It would be unreasonable to require defendant to defend this action in courts
15 within California for the above reasons.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on August 23, 2007, in Minneapolis, Minnesota.

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Declaration of Kevin Haire in Support
of Motion to Dismiss

PROOF OF SERVICE

I, Inez M. Davenport, declare as follows:

I am a citizen of the United States, I am over the age of eighteen (18) years and not party to this action; and my business address is 1655 N. Main Street, Walnut Creek, CA 94596.

On the date set forth below, I served the within: **DECLARATION OF KEVIN HAIRE IN SUPPORT OF MOTION TO DISMISS FOR A LACK OF PERSONAL JURISDICTION**

xxx by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Post Office box at Walnut Creek, California, addressed as set forth below.

_____ by having a true copy thereof personally delivered to the person(s) at the address(s) as set forth below.

_____ by sending a copy via Facsimile to the person(s) at the Facsimile number(s) as set forth below.

David J. Bennion, Esq.
Law Offices of David J. Bennion
95 South Market Street, Suite 360
San Jose, CA 95113
Tele: (408) 298-1948; Fax: (408) 298-1977

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 28, 2007 in Walnut Creek, California.


Inez M. Davenport

Declaration of Kevin Haire in Support
of Motion to Dismiss